

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 23-51 are pending in this application. Claims 23, 31, 36, 44, and 47 are independent. The remaining claims depend, directly or indirectly, from claims 23, 31, 36, 44, and 47.

**Rejection(s) under 35 U.S.C § 102**

Claims 23-25, 28-33, and 36-51 stand rejected under 35 U.S.C. § 102 (e) as anticipated by U.S. Patent 6,317,786 (Yamane). Claims 23, 31, 36, 44, and 47 have been amended to include the limitation “wherein the data collector comprises a process which uses hooks to intercept the HTTP request and the HTTP response in order to collect data.” Support for this limitation may be found, for example, in paragraphs [0053]-[0055] in the Specification. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Claim 23, as amended, is directed to a system for monitoring data flow in a web application hosted on a server. More specifically, claim 23 recites a data collector that intercepts *transactions* coming into and leaving from the server. The data collector includes a process that uses hooks to intercept the transactions.

Yamane discloses a system for recording individual web page requests, via an

agent (106) using a shared memory channel (138). However, Yamane does not disclose or suggest recording a complete transaction. Moreover, Yamane does not disclose or suggest any functionality that would enable entire transactions to be recorded. Furthermore, claim 23, as amended, includes the limitation “wherein the data collector comprises a process which uses hooks to intercept the HTTP request and the HTTP response in order to collect data,” which the Examiner concedes is not disclosed in Yamane (*see* Office Action, August 25, 2003, page 11).

In view of the above, Yamane fails to show or suggest the present invention as recited in amended claim 23. Thus, claim 23, as amended, is patentable over Yamane. Further, independent claims 31, 36, 44, and 47, as amended, include the same elements as amended independent claim 23, and thus are patentable over Yamane for at least the same reasons discussed above with respect to amended independent claim 23. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Rejection(s) under 35 U.S.C § 103**

Claims 26-27 and 34-35 stand rejected under 35 U.S.C. § 103 (a) as obvious over Yamane in view of U.S. Patent Application Publication No. 2002/0083217 (“Ward”). Claims 23 and 31 have been amended to include the limitation “wherein the data collector comprises a process which uses hooks to intercept the HTTP request and the HTTP response in order to collect data.” Support for this limitation may be found, for example, in paragraphs [0053]-[0055] in the Specification. Further, claims 26-27 and 34-35 have been amended in this reply to coincide with the amendments made to

independent claims 23 and 31, respectively. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Ward discloses a system and method for accessing a graphics system for graphics application evaluation and control. Ward fails to disclose or teach the limitations of amended independent claim 23 of the present application not taught by Yamane. Specifically, Ward does not teach or suggest monitoring HTTP transactions.

Further, the term “hooks” as used in the present specification and Ward is distinctly different. Specifically, Ward discloses a Hooks Event Manager (204) that provides graphics application state dumps and captures information using a trace of API events (*see* Ward, paragraph [0082]). Thus, the term “hooks,” as used in Ward, represents separate components that are used to obtain information intrusively (*e.g.*, using a trace of API events) and indiscriminately (*e.g.*, states dumps).

In contrast, “hooks,” as recited in the claims of the present invention, correspond to programming instructions, embedded in the code, that provide breakpoints for future expansion. Further, “hooks” can be used to call some outside routine or function or may be placed where additional processing is added. (*see* Specification, paragraph [0017]). Thus, the “hooks,” as recited in the claims of the present invention, are not separate components, but rather programming instructions embedded into the code that is being monitoring. Further, unlike the “hooks” in Ward, the “hooks” in the present invention are not intrusive or indiscriminate, because they obtain specific information at specific breakpoints. In addition, the “hooks” include functionality to process the information at the time the information is obtained. Thus, the term “hooks” as disclosed Ward is not the same as “hooks” recited in the present invention.

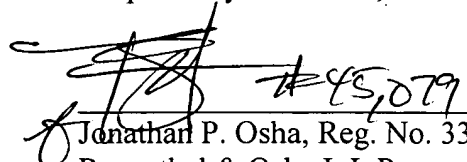
In view of the above, Yamane and Ward, whether considered in combination or separately, fail to show or suggest the present invention as recited in independent claim 23 of the present application. Thus, the independent claim 23 is patentable over Yamane and Ward. Further, independent claim 31, as amended, include the same elements as amended independent claim 23, and thus are patentable over Yamane for at least the same reasons discussed above with respect to amended independent claim 23. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

#### Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591(Reference Number 16159.002002).

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Respectfully submitted,

  
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